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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,366

09/30/2003

William Dean McConnell

9517

41379 7590 03/08/2007
WILLIAM DEAN MCCONNELL
3205 RIDGE OAK DRIVE
GARLAND, TX 75044

EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.		Applicant(s)	
	10/675,366		MCCONNELL, WILLIAM DEAN	
	Examiner		Art Unit	
	Omkar A. Deodhar		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
NON-FINAL REJECTION

Claim Objections

Claims 4 and 6 are objected to because there are periods used in the middle of the claim. Please change these "periods" to semicolons or an "and." Please also ensure letters and text appearing directly after the removed "periods" are checked for capitalization, sentence structure, etc.

Claim 4 is objected to because the claim fails to specify how the green speed setting means is used to estimate the speed. Additional details are needed so that one can determine exactly how speed is estimated based on the green speed setting. Please make appropriate corrections.

Claims 4 and 5 are objected to because the claim fails to specify how the estimated speed and putting distance are determined. Applicant must modify the claim to explain precisely how the speed and distance are determined.

Claim 6 is objected to because of the terminology "golfer of minimal skill." This is likely being used to indicate that one need not have extensive golfing skills to use the device. However, Examiner suggests that this terminology be removed.

Claim 6 is objected to because the claim fails to specify how the estimated speed and putting distance are determined. Terminology such as "**processing** the set of...and **arriving** at an estimated golf ball rolling distance," will not suffice in explaining precisely how the speed and distance are determined. Applicant is encouraged to be as specific as possible regarding claimed limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The terms "short," "heavy" and "size n," in claims 4-6 are relative terms, rendering the claims indefinite. The terms "short," "heavy" and "size n" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The specification does not precisely define the terms "short," "heavy," or "size n." While "heavy" is defined in the sense of providing positional stabilization," this is still considered relative terminology. While "size n" is suggested to be 16, the specification does not limit the size to 16, and hence this is relative terminology as well. A precise definition of short has not been found in the specification. Applicant is advised to remove relative terms lacking comparative bases.

Response to Amendment

Applicants are reminded that functional recitations(s) using the word "for" (e.g. "circuitry for the amplification of ..." or "memory buffer comprised of ... for the storage and retrieval" etc. as in claims 4-5) have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a

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method and system claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.). If Applicant(s) desire to give the phrase greater patentable weight, the Examiner respectfully recommends Applicant(s) remove "circuitry for..." and "for the storage..." Like always, such modification(s) must not constitute new matter and be supported in Applicant(s) specification.

Allowable Subject Matter

Claims 4-6 do contain allowable subject matter, and may be allowed if all rejections are overcome.

Response to Arguments

Applicant's arguments, filed 2/7/2007, with respect to the rejection(s) of claim(s) 1-3 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 112.

See MPEP 714, 37 CFR 1.121 to ensure that amendments are presented in proper form. Refer to the discussion below:

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1 –5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment. ***To avoid a non-compliant response from***

the Office, please make certain that the next amendment is compliant with the preceding rule.

(2) When claim text with markings is required. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended, " and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended, " or "withdrawn " if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn— currently amended. "

(3) When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original, " "withdrawn " or "previously presented " will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn " or "previously presented. " Any claim

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added by amendment must be indicated with the status of "new " and presented in clean version, i.e., without any underlining.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Jensen
Primary Examiner
3/5/07